

ATTORNEY DOCKET NO. 148.1 C1

REMARKS

Amendment to the Claims

Claim 1 is amended to further define the scope of the claim. Claim 4 has been cancelled.

Claim Rejections under Judicially-created Doctrine of Obviousness-type Double Patenting (Claims 1-2)

Claims 1-2 have been rejected under judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 6 and 11 of US 6,733,780 to Tyler et al. (the ‘780 Patent’). Applicants invite the Examiner to reconsider the double patenting rejection in light of the claim amendment submitted herein. Applicants will consider whether to submit a Terminal Disclaimer to obviate this rejection, if such rejection is maintained, when the amended claims are otherwise found to be patentable.

Claim Rejections under 35 USC §102(e) (Claims 1-4)

Claims 1-4 have been rejected under 35 USC §102(e) as anticipated by US 6,264,937 to Manderville, III et al. (“the ‘937 Patent”).

Applicants have amended Claim 1 to further define the claim scope. Applicants submit the ‘937 Patent does not teach or suggest amended Claim 1 as Claim 1 recites a compressed tablet that comprises an active pharmaceutical ingredient and an effective disintegrating amount of polyallylamine or a salt thereof with a pharmaceutically acceptable acid, wherein the active pharmaceutical ingredient and the polyallylamine are not the same.

Withdrawal of the Rejections is respectfully requested.

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CONCLUSION

In view of the above amendments and remarks, it is believed that all pending claims are in condition for allowance, and it is respectfully requested that the application be allowed to issue. If the Examiner believes that a telephonic conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,
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